

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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P 301415Z SEP 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC PRIORITY 1754

C O N F I D E N T I A L BRASILIA 8544

E.O.11652: GDS

TAGS: SHUM, BR

SUBJECT: INVESTIGATIONS OF TORTURE

REF: A. STATE 229152 B. BRASILIA 8491

1. EMBASSY STILL UNABLE TO TRACK DOWN UPI REPORTS MENTIONED IN REFTTEL. LOCAL UPI REPRESENTATIVE CLAIMS NO KNOWLEDGE OF ANY REPORT FILED LOCALLY WITH THAT INFORMATION. OTHER NEWS AGENCIES CONTACTED SO FAR PROFESS SIMILAR IGNORANCE AND BRAZILIAN PRESS HAS CARRIED NO REPORTS RESEMBLING THOSE CITED. WHILE EMBASSY WILL CONTINUE CHECKING, FOLLOWING INTERIM COMMENTS ARE OFFERED ON CURRENT HUMAN RIGHTS DEVELOPMENTS WHICH MAY RELATE TO SUCH REPORTS OR CLARIFY CURRENT HUMAN RIGHTS PICTURE:

2. NAVAL COURT-MARTIAL IN BRASILIA ON SEPTEMBER 23 ORDERED INVESTIGATION OF CLAIMS MADE BY TWELVE CHARGED WITH SEEKING TO FORM COMMUNIST ORGANIZATION IN STATE OF GOIAS THAT THEY WERE TORTURED. (ELEVEN OF THE TWELVE WERE SIMULTANEOUSLY FOUND GUILTY OF THE CHARGES.) IT WAS NOT INDICATED WHETHER TORTURE OCCURRED DURING INTERROGATION OR DURING SUBSEQUENT PRE-TRIAL CONFINEMENT. IN FORTALEZA LAST WEEK, FEDERAL POLICE ORDERED INVESTIGATION OF UNEXPLAINED DEATH BY STRANGULATION OF PRISONER PEDRO JERONIMO DE SOUSA WHILE HELD IN JAIL OF SECURITY POLICE IN FORTALEZA.

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DURING FAIRLY WELL PUBLICIZED MILITARY TRIAL IN SALVADOR DURING

AUGUST, MILITARY JUDGE ORDERED INVESTIGATIONS OF CLAIMS OF TORTURE WHILE UNDER CONFINEMENT MADE BY 14 DEFENDANTS. IN MOST SUCH CASES, HOWEVER, SUCH INVESTIGATIONS, WHICH ARE NOT UNUSUAL, HAVE BEEN CAREFULLY LIMITED TO THE CIRCUMSTANCES OF DETENTION OF SPECIFIC PERSONS RATHER THAN SWEEPING INVESTIGATIONS OF PRACTICES AT SPECIFIC INSTITUTION OR CATEGORY OF INSTITUTION, AS SUGGESTED BY UPI VERSION. MOREOVER, SUCH INVESTIGATIONS ARE INTENDED CHIEFLY TO LEAD TO REMEDIAL ACTION IN CONFINEMENT PRACTICES, OR EVEN PUNITIVE ACTION AGAINST OFFENDERS, BUT THE INFORMATION OBTAINED IS RARELY ADMITTED AS EVIDENCE BEARING ON THE FINDING OF GUILT OR INNOCENCE OF THE DEFENDANTS THEMSELVES. THESE INVESTIGATIONS ALSO RELY HEAVILY ON MEDIAL FINDINGS. IF TIME ELAPSED SINCE MISTREATMENT IS GREAT, AS IS OFTEN CASE, OR TORTURERS HAVE LEFT NO PHYSICAL MARKS, CHARGES ARE EXTREMELY DIFFICULT TO SUSTAIN.

3. SOME INTERNATIONAL NEWS AGENCIES HAVE FILED REPORTS ON SERIES OF ARRESTS DURING PAST TWO WEEKS ON CHARGES OF SUBVERSION OF MORE THAN THIRTY PERSONS IN PARANA STATE, MANY OF THEM LOCAL LEVEL FUNCTIONARIES OF MDB OR MDB-MILITANTS HOLDING LOCAL GOVERNMENT OFFICES. ARRESTS WERE CONDUCTED BY OFFICERS OF FIFTH MILITARY REGION IN PARANA AND, ACCORDING TO NATIONAL MDB LEADERS, WERE TANTAMOUNT TO INCOMMUNICADO DETENTION OR "KIDNAPPING" (REFTEL B). AFTER SERIES OF DENUNCIATIONS BY TOP MDB LEADERS, INCLUDING PUBLIC APPEALS TO PRESIDENT GEISEL AND MINISTER OF JUSTICE FALCAO, FALCAO ACKNOWLEDGED PUBLICLY THAT DETENTIONS WERE RESULT OF INVESTIGATIONS OF SUBVERSION CONDUCTED BY FIFTH MILITARY REGION AND THAT PRISONERS COULD BE VISITED BY FAMILIES. GENERAL SAMUEL CORREA, COMMANDER OF FIFTH REGION, AND FORMER ATTACHE IN WASHINGTON ISSUED REJOINDER APPEALING FOR CONFIDENCE IN SECURITY FORCES AND GIVING ASSURANCES THAT DETENTIONS WERE MADE ON BASIS OF STRONG INDICATIONS OF IMPLICATION OF SUBVERSIVE COMMUNIST PLOT IN STATE OF PARANA. GENERAL SAMUEL DENOUNCED "TWISTED" STATEMENTS AND COMMENTS ON THE MATTER WHICH TENDED TO "DEFAME OR DEMORALIZE LAW ENFORCEMENT AGENTS IN EYES OF PUBLIC OPINION."

4. ELSEWHERE ON HUMAN RIGHTS FRONT, IN RIO, WEEK-END PRESS HAS GIVEN RENEWED ATTENTION TO CONTINUING CAMPAIGN OF STATE SECURITY SECRETARY, GENERAL OSWALDO DOMINGUES, TO STAMP OUT "DEATH SQUADS".
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SPECIALLY EQUIPPED AND STAFFED GROUP OF INVESTIGATORS HAS BEEN CREATED WITHIN DEPARTMENT OF GENERAL INVESTIGATIONS AND SPECIAL TELEPHONE LINE TO INVESTIGATORS MADE AVAILABLE FOR CITIZENS WITH ANONYMOUS TIPS ON "DEATH SQUAD" ACTIVITIES.

5. COMMENT: WHILE ALL ALL THE FOREGOING ADDS UP TO DRAMATIC CHANGE IN CURRENT HUMAN RIGHTS PICTURE -- AND INDEED PARANA ARRESTS ARE OMINOUS TURN OF EVENTS -- THERE IS AT

LEAST SIGN OF ONE POSITIVE TREND. CHIEFLY THIS IS TREND OF PAST YEAR OR MORE OF TRIBUNALS, BOTH MILITARY AND CIVILIAN, TO MAKE SURE USE LONG-STANDING AUTHORITY TO ORDER INVESTIGATIONS OF CHARGES OF TORTURE AND TO PERMIT GREATER PRESS COVERAGE OF SUCH JUDICIAL OR POLICE ACTIONS, SUGGESTING AT LEAST SOME APPRECIATION OF THE ISSUE'S SENSITIVITY AND SOME ACCEPTANCE OF THE LEGITIMACY OF PRESS AND PUBLIC INTEREST IN THE ISSUE. SIMILARLY, MERE WILLINGNESS OF COMMANDER OF FIFTH REGION TO COMMENT ON CONTROVERSY OVER PARANA DETENTIONS IS NOTEWORTHY. IN PAST, ATTITUDE OF MILITARY AND SECURITY FORCES IN SUCH CASES MOST OFTEN WAS "NEVER APOLOGIZE, NEVER EXPLAIN". GENERAL'S EXPLANATION IS ACT OF UNUSUAL OPENNESS ON THIS ISSUE AND MAY REFLECT HEIGHTENED SENSITIVITY OF GOVERNMENT AND MILITARY TO AT LEAST PUBLIC RELATIONS ASPECTS OF HUMAN RIGHTS PROBLEM IF NOT ITS SUBSTANCE.

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